

REMARKS

Applicants have amended their claims in order to further clarify the definition of various aspects of the present invention. Specifically, claim 1 has been amended to recite a "plate", rather than a "third member", consistent with recitation of plates in the remaining claims. In addition, claim 1 has been amended to recite first "member", rather than members, consistent with the remainder of claim 1. Claim 8 has been amended in the last line thereof to recite a third "plate", consistent with the remainder of claim 8; and claim 13 has been amended to recite that the friction stir welding is carried out to the "other" of the overlapped portions, consistent with prior recitation in claim 13 that the rotary tool is inserted to the other of the overlapped portions. Claim 17 has been amended to recite that the third plate connects the second and first plates of the respective member; and claim 18 has been amended to recite that the friction stir welding is carried out by inserting the rotary tool to the second overlapped portion of the second member and the second plate of the "first" member. Claim 20 has been amended to clarify the abutting portions of the first and second members.

The obviousness-type double patenting rejection of claims 17-22, over claims 8-11 of U.S. Patent No. 6,840,426, set forth on page 5 of the Office Action mailed March 29, 2005, is noted. For facilitating proceedings in connection with the above-identified application, so as to achieve earliest possible issuance of a U.S. patent based thereon, enclosed please find a Terminal Disclaimer in the above-identified application, with respect to U.S. Patent No. 6,840,426, satisfying applicable requirements of 37 CFR 1.321(c). In view of the filing of this Terminal Disclaimer, it is respectfully submitted that the obviousness-type double patenting rejection is

moot. Note the paragraph bridging pages 4 and 5 of the Office Action mailed March 29, 2005.

It is respectfully submitted that the present filing of the Terminal Disclaimer is to facilitate proceedings in connection with the above-identified application, so as to achieve earliest possible issuance of a U.S. patent based thereon. It is respectfully submitted that the submission of this Terminal Disclaimer does not constitute an admission as to the propriety of, or agreement with, the obviousness-type double patenting rejection; and does not constitute an admission as to the propriety of, or agreement with, arguments made by the Examiner in connection with this obviousness-type double patenting rejection.

Applicants respectfully traverse the rejection of their claims under the first paragraph of 35 USC 112, as set forth on pages 2-4 of the Office Action mailed March 29, 2005, particularly insofar as this rejection is applicable to the claims as presently in the application.

Thus, the Examiner contends that the original disclosure does not describe, under the requirements of the first paragraph of 35 USC 112, a "third member" or "third plate" as in the present claims. This contention by the Examiner is respectfully traversed, especially in view of the following. In the following discussion, reference to specific structure as described in the above-identified application is illustrative, and not to be limiting of the present claims.

Thus, attention is respectfully directed to, for example, Fig. 3, showing members 31 and 32, with vertical plate 36 perpendicular to the plates 33, 34, of member 31, the vertical plate 36 sustaining the vertical force produced during the friction stir welding so that the joint region does not bend. Note that in Fig. 3, member 32 has plates 33, 34, which overlap recesses (e.g., including corners 33b,

34b) formed in member 31. Note also pages 6 and 7 of Applicants' specification.

Note also Fig. 1, wherein each of the first and second members have a plate 36.

Note also other figures with plate 36, and corresponding description thereof in Applicants' specification.

Contrary to the conclusion by the Examiner, it is respectfully submitted that Applicants' original disclosure clearly describes methods including friction stir welding of members having a (third) plate as in the present claims, extending between the first and second plates, including wherein this third plate extends orthogonally to the first plate.

The contention by the Examiner on page 4 of the Office Action mailed March 29, 2005, that the only mention of a "third member" in the above-identified application is in the abstract, which states that the panels have, inter alia, a third member 35 connecting the two plates 33, 34, is noted. Clearly, however, Applicants' original disclosure describes plates (e.g., plates 36) extending between the first and second plates of the first member, as clearly shown in various of Applicants' original drawings figures, many of the drawing figures showing plate 36. Note, e.g., Figs. 1-8 and 9(A)-(D). Contrary to the conclusion by the Examiner, it is respectfully submitted that Applicant's original disclosure clearly sufficiently describes the present invention, including the "[third] plate", so as to satisfy the description requirement of the first paragraph of 35 USC 112.

In view of the foregoing comments and amendments, reconsideration and allowance of all claims in the above-identified application, are respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Docket No. 503.35255VX2), and please credit any excess fees to such deposit account.

Respectfully submitted,

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